

~~BUSINESS-REASONABLE-LITIGATION--EXPENSES--IN--ADDITION--TO--OTHER
COSTS--IF--THE--SMALL-BUSINESS-PREVAILS-IN-THAT-ACTION-AND-IF-THE
COURT--FINDS--THAT--THE--STATE--AGENCY--WAS--WITHOUT--SUBSTANTIAL
JUSTIFICATION-IN-INITIATING-THE-ORIGINAL-ACTION-OR-THAT-THE-STATE
AGENCY-BROUGHT-THE-ORIGINAL-ACTION-IN-BAD-FAITH.~~

~~(C)--IN--ANY--ADMINISTRATIVE--PROCEEDING--BEFORE--AN
ADMINISTRATIVE-LAW-JUDGE-AND-THE--AGENCY~~ IN ANY ADMINISTRATIVE
ADJUDICATORY PROCEEDING OR CIVIL ACTION RESULTING FROM A
COMPLAINT ISSUED BY A STATE AGENCY AGAINST A SMALL BUSINESS
PURSUANT TO THE ADMINISTRATIVE OR REGULATORY FUNCTIONS OF THE
AGENCY, THE SMALL BUSINESS MAY BE AWARDED REASONABLE LITIGATION
EXPENSES IN ADDITION TO OTHER COSTS IF:

(1) THE SMALL BUSINESS PREVAILS IN THAT ACTION; AND

(2) EITHER THE STATE AGENCY WAS WITHOUT SUBSTANTIAL
JUSTIFICATION IN INITIATING THE COMPLAINT OR THAT THE STATE
AGENCY BROUGHT THE ACTION IN BAD FAITH.

~~(D) (C)~~ (C) A SMALL BUSINESS IS CONSIDERED TO PREVAIL IN ANY
ACTION IN WHICH THERE IS NO ADJUDICATION, STIPULATION, OR
ACCEPTANCE OF LIABILITY OR DETERMINATION OF NONCOMPLIANCE,
VIOLATION, INFRINGEMENT, DEFICIENCY, OR BREACH ON THE PART OF THE
SMALL BUSINESS. A SMALL BUSINESS MAY NOT RECOVER REASONABLE
LITIGATION EXPENSES WHEN THE PARTIES HAVE EXECUTED A SETTLEMENT
AGREEMENT WHICH, WHILE NOT STIPULATING LIABILITY OR VIOLATION,
REQUIRES THE SMALL BUSINESS TO TAKE CORRECTIVE ACTION OR PAY A
MONETARY SUM.

~~(E) (D)~~ (D) FUNDS FOR THE EXPENSES AND COSTS OF ANY AWARD SHALL
BE PAID FROM FUNDS IN THE REGULAR-OPERATING-BUDGET-OF-THE-STATE
AGENCY STATE BUDGET OR WHICH ARE APPROVED BY BUDGET AMENDMENT.

~~(F) (E)~~ (E) THE COURT MAY REDUCE THE AMOUNT OF THE REASONABLE
LITIGATION EXPENSES TO BE AWARDED UNDER THIS SECTION, OR DENY AN
AWARD, TO THE EXTENT THAT THE SMALL BUSINESS ENGAGED IN CONDUCT
DURING THE COURSE OF THE PROCEEDINGS WHICH UNDULY AND
UNREASONABLY PROTRACTED THE FINAL RESOLUTION OF THE MATTER IN
CONTROVERSY.

~~(G) (F) (1)~~ (F) (1) AN AGENCY MAY APPEAL AN AWARD OF LITIGATION
EXPENSES MADE BY A COURT UNDER THIS SECTION.

(2) IN AN ADMINISTRATIVE ADJUDICATORY PROCEEDING
BROUGHT BY AN AGENCY, A CLAIM FOR REASONABLE LITIGATION EXPENSES
MUST BE RAISED BY THE SMALL BUSINESS BEFORE THE AGENCY PRIOR TO
ANY APPEAL. AFTER THE CLAIM IS MADE, THE AGENCY SHALL AWARD OR
DENY THE CLAIM. A SMALL BUSINESS MAY APPEAL A DENIAL OF
REASONABLE LITIGATION EXPENSES IN THE ADMINISTRATIVE ADJUDICATORY
PROCEEDING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT
NOTWITHSTANDING THAT THE SMALL BUSINESS PREVAILED ON THE MERITS
OF THE AGENCY ACTION BROUGHT AGAINST IT.